



St. Gallen, 10 June 2021

Press Release regarding judgment F-5427/2019 of 31 May 2021

Islamic terrorism: Revocation of Swiss citizenship justified

The Federal Administrative Court confirms the revocation of Swiss citizenship from a Swiss-Turkish dual national who organised propaganda-based and proselytic activities on behalf of the “Jabhat Al-Nusra” terror group and helped two “foreign fighters” get to the Syria/Iraq war zone. The court finds that the appellant’s actions caused significant harm to Switzerland’s national interests and reputation.

The appellant and his family moved to Switzerland from Turkey in 1989 and obtained Swiss citizenship in 2008. During accelerated proceedings held in 2017 following a criminal investigation conducted by the Office of the Attorney General, the Federal Criminal Court sentenced the man to two years and six months’ imprisonment for supporting the “Jabhat Al-Nusra” terror group. The State Secretariat for Migration (SEM) revoked his Swiss citizenship in September 2019, essentially because it deemed his actions to be incompatible with the country’s current constitutional system. In October 2019, the appellant contested the SEM’s decision before the Federal Administrative Court (FAC).

Propaganda, proselytising, indoctrination and radicalisation

Based on the findings of the international community, the FAC classifies the “Jabhat Al-Nusra” group as an active criminal and terrorist organisation with links to the “Al-Qaeda” organisation, and asserts that the religious and ideological propaganda spread by the appellant was aimed at producing radicalised Muslims – potential jihadis – who could be sent to Syria to fight alongside the “Jabhat Al-Nusra” group. In so doing, he has caused significant harm to Swiss sovereignty, neutrality and diplomacy.

Helping two “foreign fighters” enter Syrian/Iraqi territory

The FAC finds that the appellant significantly harmed Swiss national interests not only through spreading religious and ideological propaganda on behalf of “Jabhat Al-Nusra”, but also by helping to deploy two “foreign fighters” in Syria, an act which threatened Switzerland’s internal and external security.

The revocation of citizenship is deemed an appropriate response

The FAC has found that the revocation of the appellant’s Swiss citizenship is an appropriate means of protecting society and the state from the threat of terrorism. This measure, expressly provided for by the legislator, is necessary for achieving

the goal of protecting the nation in the absence of less drastic options for legal action. The public interest therefore outweighs the appellant's individual interest in retaining the privileges of Swiss citizenship. This conclusion is consistent with the case law of the European Court of Human Rights on the scope of protection guaranteed in Article 8 of the European Convention of Human Rights regarding the revocation of citizenship.

The FAC therefore dismisses the appeal and confirms the SEM's decision. This judgment (F-5427/2019 of 31 May 2021) may be appealed to the Federal Supreme Court.

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About the Federal Administrative Court

Located in St. Gallen, the Federal Administrative Court (FAC) was established in 2007. With its staff of 353 employees (297.3 FTE) and its 73 judges (65.15 FTE) it is the largest federal court in Switzerland. The Federal Administrative Court has jurisdiction to hear appeals against decisions rendered by Swiss federal administrative authorities. In specific matters, the FAC may grant review on decisions rendered by cantonal authorities. Recourse actions are also reviewed by the Court. The FAC is composed of six divisions. It renders an average of 7,200 judgments every year.